

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CHRIS ARCHIBEQUE,

Plaintiff,

vs.

CIVIL NO. 10-483 MCA/LFG

CITY OF ALBUQUERQUE  
FIRE DEPARTMENT et al.,

Defendants.

**ORDER SETTING REQUIREMENTS FOR WITHDRAWAL**

THIS MATTER is before the Court on an Opposed Motion for Leave of Court to Withdraw Appearance of Counsel for Plaintiff Chris Archibeque (“Archibeque”) by Rugge, Rosales & Associates, P.C. (David Ray Rosales and Amelia P. Nelson) [Doc. 22]. Defendants City of Albuquerque Fire Department et al. responded [Doc. 26] and express no opposition to the motion.

Notwithstanding Defendants’ concurrence, the Court imposes certain prerequisites on movants prior to allowing moving counsel to withdraw. The Court will require attorneys David Ray Rosales and Amelia P. Nelson to certify that:

1. They have written to their client and advised that they are seeking withdrawal as counsel;
2. if the Court authorizes the withdrawal, Plaintiff Archibeque will be deemed a *pro se* litigant and subject to all rules of procedure that are applicable to an licensed attorney;
3. they have advised Archibeque that if there are pending discovery requests, i.e., interrogatories, requests for production or requests for admission, it is Archibeque’s responsibility to fully answer or state appropriate objections to the outstanding discovery within the time permitted by law, and failure to respond to discovery could result in imposition of Fed. R. Civ. P. 37 sanctions,

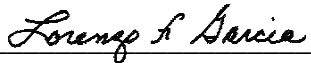
including dismissal of Plaintiff's case with prejudice, Ehrenhaus v. Reynolds, 965 F.2d 916, 920 (10th Cir. 1992);

4. until such time as Archibeque is represented by substitute counsel, Archibeque has the responsibility of representing himself and responding to any motions that may be filed;

5. Archibeque is responsible for adhering to all rules of practice and procedure, the Court's scheduling order, and all orders of the Court.

Once Mr. Rosales and Ms. Nelson file a certificate of compliance indicating that they advised their client of the foregoing, and have provided the Court with contact information for Archibeque, the Court will act on the motion to withdraw.

IT IS SO ORDERED.

  
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Lorenzo F. Garcia  
United States Magistrate Judge